

REMARKS:

The Examiner is thanked for the indication of allowable subject matter in the Office Action of August 26, 2005. Specifically, the Examiner indicated that claims 8-18 and 20-22 would be allowable if claim 8 is rewritten to overcome the rejections under 35 U.S.C. §112, 2nd paragraph.

Applicant has amended claim 8 in clarification. With respect to the phrase “product contact surface” in line 10, Applicant has amended the claim to clarify that it is the product contact surface “of said matrix former”. The lift cage is moveable between the platform when the platform is in its second position and the product contact surface of the matrix former when the product contact surface is in its first position. The platform and the product contact surface each pivot between first and second positions. Thus, when the platform is pivoted into its second position, and the product contact surface is pivoted into its first position, the lift cage is moveable therebetween. Amending the claim to provide that the lift cage is movable between the platform in the second position and the platform in the first position would not make sense given the lift cage is intended to move product between the platform and the matrix former, as provided in the claim.

Applicant has amended claim 8 to specifically claim a discharge roller as a structural element.

With respect to “a box” in line 2 of claim 3, Applicant has amended the claim to provide for “the box,” given “a box” is already specified in claim 1, line 9 (“a platform comprising a box support having a box contact side and a box holder for holding a box”). Applicant is not claiming a box as a structural element of the packing apparatus.

Applicant has also amended claims 1 and 15 as suggested by the Examiner to overcome the claim objections.

Claims 1 and 3-7 were rejected as being anticipated by Tanaka et al. Claim 2 was rejected as being obvious over Tanaka. Applicant has amended claim 1 to provide that the box contact side of the box support is aligned with and facing the product contact surface when the platform is in the second angular orientation. A feed conveyor feeds a box to the box support, as provided in claim 6, at which time the box contact side of the platform is in a first angular orientation. The platform is pivoted to a second angular orientation so that the box contact side faces the product contact surface. In this second angular orientation, the open top of the box is pivoted (as the platform pivots) and is aligned with the product contact surface. Claim 1 has been amended in clarification to provide for this feature.

Tanaka fails to disclose or suggest the invention of claim 1 as amended. Rather, Tanaka includes a shutter member 44 which moves between a tilted position and a horizontal position (as shown in Figures 9A and 9B). In the tilted position, it receives goods from the goods reception surface 35. It is then tilted to the horizontal position. A stacking table 52 raises and lowers between a position adjacent the shutter member 44 (see Fig. 9C) and a position adjacent the container support arm 66 (see Fig. 10B). In the lowered position, member 54 pushes the goods from table 54 into a container 17 positioned on support arm 66. Thus, container 17 does not pivot between first and second angular orientations such that a box contact side faces the product contact surface (44) when in the second angular orientation, as claimed by Applicant. Further, the open top of the box (17) is not aligned with the product contact surface (44) when in a second

angular orientation. In fact, neither support arm 66, container 17, nor member 54 provides such a feature given the structure of the apparatus disclosed by Tanaka.

Applicant respectfully submits that amended claim 1 overcomes the prior art of record. Claims 2-7 all depend from claim 1, and therefore also overcome the art of record. Further, Applicant submits that all claim objections and rejections under 35 U.S.C. §112, 2nd paragraph have been overcome in light of the amendments and remarks herein. Therefore, allowance of all pending claims is respectfully requested. Should there be any remaining concerns regarding the claims or remarks herein, the Examiner is invited to contact the undersigned.

It is believed that no fee is due with this submission. Should that determination be incorrect, then please debit Account No. 50-0548 and notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. C. Schrot', written in a cursive style.

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